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RUEHBJ/AMEMBASSY BEIJING 3184
RUEHKO/AMEMBASSY TOKYO 3049
RUEHIT/AMCONSUL ISTANBUL 3704
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SUBJECT: TURKMENISTAN: GTZ RULE OF LAW PROJECT FOCUSES ON
CIVIL LAW; REGIONAL COOPERATION

Classified By: Charge Richard Miles, reasons 1.4 (b) and (d)

11. (C) On July 21, poloff discussed GTZs (German Society for Technical Cooperation) Supporting Legal and Judicial Reform in Central Asia Program with Head of Program Hirbod Aminlari, based in Tashkent, and its local Legal Coordinator Alexander Jumayev. Aminlari stressed that the program focuses on civil law. Its ultimate goal is to prepare the legal framework for an eventual free market economy. GTZ's activities in Turkmenistan include drafting a commentary on the Civil Code and the Civil Procedure Code and conducting training and study trips for lawyers and judges. GTZ is also working jointly with the UK Embassy in Ashgabat to revise the Penal Code. The organization works exclusively with Turkmen government organizations, primarily the National Institute for Democracy and Human Rights ("IDHR"). It has a memorandum of cooperation with IDHR and all its local seminars are held at the IDHR offices. GTZ does not work directly with government agencies such as the Ministry of Justice and the General Procuracy, although officials from those agencies attend GTZ trainings. Aminlari opined that, by channeling all human rights-related foreign assistance through IDHR, the Turkmen government is able to better control exposure to outside organizations and ideas, a task that would be more difficult if foreign donor organizations had direct access to actors in the Turkmen judicial system.

12. (C) Aminlari pointed out that the GTZ legal reform program functions as a regional exchange of ideas and experience, with thirty percent of the program conducted regionally. For example, training for judges in Turkmenistan would include experts from both Germany and Uzbekistan. While Aminlari noted GTZ's cooperation with other donors, he suggested the need for a mechanism to coordinate donor activities. He referred to his previous experience working in Afghanistan where the donor community met regularly and maintained a matrix that showed the activities being conducted by various organizations. He proposed that such a tool might be useful in Turkmenistan.

13. (C) Concerning the steps needed to achieve an independent judiciary in Turkmenistan, Aminlari cautioned that donors should not push the Turkmen to act too quickly. He thought it was necessary first to help the Turkmen see the advantages

of an independent judiciary and then to work out the steps toward achieving it. For the Turkmen, using examples from the German judiciary would not be a useful comparison because it is too far advanced and well-developed. Better to use Kazakhstan as an example because, despite its flaws, the Kazakh judiciary would still be a relevant and comprehensible example for the Turkmen. Ultimately, Aminlari thought that the establishment of rule of law in Turkmenistan would require generational change, political will, and measures to fight the corruption that is endemic in the judicial system. Overall, it will be a step-by-step, long-term process. Higher salaries would not be enough to end corruption as long as there is no effective oversight, since salaries could never match the potential earnings offered by bribes. Jumayev noted that teachers' salaries in Turkmenistan are higher than judges'.

14. (C) COMMENT: According to Aminlari's account, the Turkmen accept GTZ' regional approach and are willing to share experience with and learn from their Central Asian neighbors.

Nonetheless, the hurdles on the path to establishing an independent judiciary are high, especially given the financial incentives offered to corrupt judges by plaintiffs and defendants. GTZ's approach of drafting a sound legal corpus of revised laws, combined with training in proper procedures, constitutes a necessary, though not sufficient, process leading to the eventual establishment of rule of law.

END COMMENT.

MILES